

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2010

TITLE OF PAPER : **INTRODUCTION TO LABOUR LAW**
COURSE CODE : **DL034**
TIME ALLOWED : **THREE (3) HOURS**
TOTAL MARKS : **100**

INSTRUCTIONS

1. **ANSWER FOUR QUESTIONS**
2. **QUESTION ONE (1) IS COMPULSORY**

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QUESTION ONE - COMPULSORY

"The President of the Industrial Court shall have the power upon receipt of an application to decide whether such application should be heard by the Court or an Arbitrator appointed by the Commission..."

With the aid of decided cases, discuss the exercise of this power by the President in referring matters back to arbitration by CMAC [Conciliation Mediation and Arbitration Commission].

[25 Marks]

QUESTION TWO

Name and discuss the duties that arise on the part of the **employer** upon conclusion of the contract of employment.

[25 Marks]

QUESTION THREE

With reference to the relevant sections of the relevant Act, discuss the recognition of trade unions in Swaziland.

[25 Marks]

QUESTION FOUR

Discuss the following;

- (a) The remedy of reinstatement ;
- (b) The remedy of constructive dismissal;

[10 Marks]

[15 Marks]

[25 Marks]

QUESTION FIVE

- (a) Define a strike;
- (b) What are the consequences of a lawful strike;
- (c) Briefly discuss the right to freedom of association;

[5 Marks]

[10 Marks]

[10 Marks]

QUESTION SIX

Write short notes on the following sources of labour law;

- (a) Custom and Practice ;
- (b) International Labour Standards ;

[10 Marks]

[15 Marks]

[Total: 25Marks]

QUESTION SEVEN

The dismissal of an employee by an employer must be both substantively and procedurally fair.

Discuss the above statement and include the procedures to be followed by an employer to ensure that the dismissal is fair.

[25 Marks]